

Justice Department Report Documents Brooklyn Metropolitan Detention Center's Poor Response to COVID-19 Crisis

by Kevin Bliss

THE METROPOLITAN DETENTION Center (MDC) in Brooklyn, New York was investigated by the Department of Justice (DOJ) Office of the Inspector General (OIG) concerning its response to the COVID-19 pandemic. A report released November 10, 2020 stated that MDC was insufficiently prepared to cope with the pandemic and that practices resulted in drastically underreported confirmed cases of the virus. The facility also struggled to meet the medical needs of prisoners and detainees not afflicted with COVID-19.

The **OIG** said it conducted a remote inspection of MDC in accordance with the Centers for Disease Control and Prevention (CDC) and DOJ policies governing social distancing. The inspection included telephone interviews with Bureau of Prisons (BOP) officials, questionnaires provided to BOP staff, review of COVID-19 management documentation and assessment of staff and prisoner/detainee complaints filed during the COVID-19 crisis.

The report stated that MDC performed inadequate testing and carried too few testing supplies to truly assess the contamination rate among the facility's population or staff during the crisis. Records indicate that MDC only had 16 confirmed cases of coronavirus up to November 10, 2020, in a city that experienced a significant increase in cases throughout the summer. Part of the reasoning is that MDC policy was only to test prisoners and detainees who were actively showing symptoms until April 24 when the BOP expanded testing policy to cover asymptomatic individuals.

The report stated that requests for medical treatment and possible COVID-19 infection were destroyed, ignored or postponed for excessive amounts of time, according to several lawsuits filed against MDC. Former New York City Correctional Health Services medical director Dr. Homer Venters said in many sick call requests "the only response was for a health staffer to come to their cell and take their temperature." He called this a serious deviation from accepted standards. "No thorough symptoms were elicited and no other physical examinations were conducted," he said. At least 160 men

and women were still waiting for medical attention three months after their initial sick call request was submitted.

Staffing shortages at MDC were to blame for much of the poor response to the pandemic. The **OIG** report stated that MDC only filled 20 to 22 of its required 30 authorized Health Services positions during the period investigated. Moreover, many of those positions also remained empty due to military leave, temporary assignment to another detention center or prison, and sick leave. MDC carried only one available physician and three mid-level providers where policy required three physicians and six providers.

Initial testing for staff was accomplished exclusively through a staff member's healthcare provider. After CDC and BOP guidelines initiated enhanced health

screenings, still testing was performed by non-healthcare provider staff with faulty equipment that other staff considered inadequate. Over half of MDC staff members surveyed said they were told to continue to report to work unless experiencing symptoms, or given conflicting guidance of whether to report, after being exposed to COVID-19.

The report also said the MDC lacked sufficient personal protective equipment and cleaning supplies to ensure limited transmission of the infection during the crisis. ■

Source: *filtermag.com*, Department of Justice/Office of the Inspector General Pandemic Response Report 21-002: Remote Inspection of Metropolitan Detention Center Brooklyn November 10, 2020

\$1.1 Million Settlement in Kentucky Jail Sex Abuse Suit

by David M. Reutter

ON MAY 7, 2020, KENTUCKY'S LARUE County Detention Center agreed to pay \$1.1 million to settle a lawsuit alleging former guard Jerome Perry sexually abused nine prisoners.

The women's lawsuit alleged that between February 1, 2018, and August 20, 2018, Perry "harassed, assaulted, abused, and sexually molested them." To protect their identity, the complaint named the women as Jane Doe plaintiffs.

Three of them alleged Perry forced them to perform oral sex on him. Another said he raped her from behind in a guard's break room after he gave her chicken wings to eat, and he performed unwanted oral sex on another prisoner. One of the women said Perry forced her to perform oral sex and then penetrated her with his finger in May 2018.

Three other plaintiffs said he subjected them to sexual harassment and sent notes to them. One of them said Perry exposed and fondled himself in her presence. Several of the women said Perry watched them while they were in the shower.

He threatened to take away one women's

blanket if she did not submit to his demands. Perry also would give the women gifts, such as e-cig fluid and alcohol in exchange for their silence, the complaint alleged.

"Some of the abuse was apparent on security cameras, but no one was watching," said Al Gerhardstein, one of the plaintiffs' attorneys. "That is outrageous."

After an investigation, Perry was criminally charged. He subsequently pleaded guilty to four counts of sodomy and one count of rape. The plea bargain provided for him to serve 24 months and to register as a sex offender upon release.

Eight of the nine women agreed to the \$1.1 million settlement. They were represented by attorneys Larry Simon of Louisville and Gerhardstein of Cincinnati.

"The testimony of these women was heartwrenching. They showed real courage coming forward," Simon said. "The damage award will help transform their lives." See: *Doe v. Perry*, Case No. 3:19-cv-142, U.S.D.C. (W.D. Ky.). ■

Additional source: *courier-journal.com*